

DEPARTMENT OF BOATING AND WATERWAYS

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To: Boating and Waterways Commission Members

From: Department of Boating and Waterways, Legislative Unit

Subject: **LEGISLATIVE REPORT, October 8, 2008**

This report was prepared on October 8, 2008. This is the end of the second year of a two-year legislative session.

ASSEMBLY BILLS

AB 990 (Berg) Spud Point Marina. AB 990 allows Sonoma County to provide facilities at the Spud Point Marina for commercial or recreational vessels in numbers that it determines appropriate, makes voluntary the existence of the current marina advisory committee, allows the county to establish different berthing rates for commercial and recreational vessels, and deletes existing law from 1982 related to provisions of loans made by the Department of Boating and Waterways (DBW) to Sonoma County for the development of the Spud Point Marina.

Sponsor: Sonoma County

Status: Chaptered 9/25/08

Department Position: Support

AB 1950 (Lieu) Vessels: abandonment: abatement. AB 1950 would have 1) defined the term "surrendered vessel", 2) established conditions under which public agencies could accept such vessels from willing owners, 3) increased the minimum fine for abandonment of a vessel, and 4) allowed a public agency to dispose of a surrendered vessel immediately upon acceptance from the surrendering party. The bill would also have allowed DBW to provide grants to local agencies for disposal of surrendered vessels under the existing Abandoned Watercraft Abatement Fund (AWAF), and would have required DBW to track the grant program activity between January 1, 2009 and January 1, 2011, and to report that information to legislative committees, as specified, by July 1, 2011. The bill would also have set all the above requirements to expire on January 1, 2012, unless another measure deleted or extended that date.

Sponsor: CA Association of Harbor Masters & Port Captains, Marine Parks & Harbors Association, CA Yacht Brokers, Marina Recreation Association, Northern CA Marine Association, Southern CA Marine Association, Western Boaters Safety Group

Status: Vetoed 9/27/08

Department Position: No approved position

AB 2065 (Hancock). Invasive aquatic species: dreissenid mussels. AB 2065 requires persons, federal, state and local agencies that own or manage reservoirs open to public recreation (except those reservoirs in which dreissenid mussels have already been detected) to develop and implement programs designed to prevent the introduction of nonnative dreissenid mussel species; the bill specifies that its provisions apply both to reservoirs owned or managed by governmental entities and private persons or entities. The bill provides regulatory authority to the Department of Fish and Game (DFG) and specifies that violators shall be subject to a civil penalty not to exceed \$1,000 per violation. Privately owned reservoirs not open to the public are exempt from the bill's provisions.

Sponsor: East Bay Municipal Utility District

Status: Chaptered 9/30/2008

Department Position: No approved position

AB 2110 (Duvall). Vessel operator cards. This bill would have established a Vessel Operator Certification Account, into which all testing and certification fees would have been deposited, and which would have been made available to DBW, upon appropriation by the Legislature, to administer the program. This bill would also have required operators of vessels powered by an engine, unless specifically exempted, to pass an examination—approved by DBW—which demonstrates the operator's knowledge of boating safety and existing boating laws, and to obtain and carry a vessel operator card developed and issued by DBW. An implementation schedule would have phased in this program by age group starting on Jan. 1, 2012.

AB 2110 would have required the Department to either: (1) develop and provide an online vessel operator certification exam, and implement the associated information technology infrastructure, or (2) contract with two or more vendors to provide online vessel operator certification exams on the Department's website.

Sponsor: Recreational Boaters of California

Status: Dead - held in Assembly Appropriations Committee

Department Position: No approved position

AB 2763 (Laird) Invasive pests: advance planning: assessments. This bill requires the state Department of Food and Agriculture (CDFA) to develop and maintain a list of invasive (non-native) animals, plants, insects and diseases that may enter California, and to identify appropriate control, eradication or management measures. In cases where pesticide use is identified as the appropriate response, the CDFA would be required to notify the Governor, affected local agencies and the public, as specified. Certain state agencies, including DBW, are required to participate in the planning process in their areas of expertise. The CDFA would be required to seek federal funds for implementation. This bill does not apply to state or local mosquito abatement and vector control agencies.

Sponsor: Author

Status: Chaptered 9/29/08

Department Position: No approved position

AB 3029 (Tran) Small craft harbors and boating: grants. This bill would have made federally recognized Indian tribes eligible for funding under the DBW small craft launching facility and vessel pumpout station grant programs, if they agreed to waive their sovereign immunity as a condition of receiving grant funds.

Sponsor: Chemehuevi Indian Tribe

Status: Dead – held in Senate Appropriations Committee

Department Position: No approved position

SB 1159 (Cox) Alcoholic beverages: possession: Truckee River. This bill prohibits possession or consumption of alcohol—by anyone in a vessel or by a bather, as defined—on certain portions of the Truckee River during summer holiday periods when the Placer County Board of Supervisors makes a similar ban on the shore, to improve public safety and the environment. This bill took effect immediately as an urgency statute.

Sponsor: Placer County Board of Supervisors

Status: Chaptered 6/30/08

Department Position: No approved position

SB 1435 (Ducheny) Marinas and harbors: funding. This bill amends the existing private marina loan program administered by DBW by allowing loan funds to be used for non-construction expenses directly associated with marina construction, such as permits and appraisals.

Sponsor: Department of Boating and Waterways

Status: Chaptered 7/22/08

Department Position: Support

SB 1462 (Maldonado) Navigable waters: seaplanes. This bill would have required the Department of Transportation (CalTrans) to adopt regulations establishing requirements for landing, docking and take-off of seaplanes on the State's navigable waters.

Sponsor: Author

Status: Dead – Senate Transportation and Housing Committee hearing canceled by author 4/15/08

Department Position: No approved position

SB 1685 (Kehoe) Regional comprehensive plan: San Diego County. This bill amends the purposes for which San Diego County's 1% regional sales tax revenues can be used, to include implementation of the County's regional comprehensive plan, water quality improvement, beach sand nourishment projects and other purposes. The bill also allows the County to increase the regional sales tax rate up to the maximum allowable under existing law, subject to voter approval. The bill also specifies that any extension, expansion or increase of the sales and use tax shall apply to issues approved by voters on or after January 1, 2009.

Sponsor: SANDAG

Status: Chaptered 7/8/08

Department Position: No approved position

FEDERAL BILLS

HR 1187 (Woolsey). Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act. This bill would declare it is U.S. policy to protect and preserve living and other resources of the Gulf of the Farallones National Marine Sanctuary (Farallones NMS) and Cordell Bank National Marine Sanctuary (Cordell Bank NMS) marine environments and make certain adjustments to expand the boundaries of the Farallones NMS and the Cordell NMS. The bill would prohibit within the Farallones NMS and the Cordell Bank NMS: (1) the leasing, exploration, development, production, or transporting by pipeline of minerals or hydrocarbons; (2) the conduct of aquaculture (with exceptions); and (3) subject to limitation, the discharge of materials, substances, or introduced species or a harmful change in the salinity. The bill also prohibits the conduct of aquaculture within Monterey Bay National Marine Sanctuary and directs the Secretary of Commerce to complete: (1) an interim supplemental management plan for each sanctuary that focuses on protective resource management in the areas added by this Act; and (2) a revised comprehensive management plan for each of the sanctuaries. The bill also requires the Secretary to review the operations of the Farallones NMS to determine whether area added to it by this Act shall be designated as a new and separate NMS.

Status: Amended 3/31/2007; 5/15/2008 in the Senate Committee on Commerce, Science, and Transportation; Placed on Senate Legislative Calendar under General Orders on 10/1/2008

Department Position: No approved position

HR 3223 (Allen). Keep Our Waterfronts Working Act of 2007. This bill would amend the Coastal Zone Management Act of 1972 to establish a grant program to coastal states to ensure coastal access for commercial and recreational purposes. The grant program would appropriate \$25 million for fiscal year 2008, \$50 million for fiscal year 2009, and \$75 million for fiscal year 2010 and would have a 25% matching requirement.

Status: Introduced 7/30/2007. 2/28/2008 House Subcommittee Hearings Held

Department Position: No approved position

HR 5949 (Latourette) / S 2766 (Nelson). Clean Boating Act of 2008. This bill amends the Federal Water Pollution Control Act to include an exception for recreational vessels from permitting requirements of the Act, and defines recreational vessels and management practices associated with the exception.

Status: Signed by the President 7/29/2008: Became Public Law No: 110-288

Department Position: No approved position